

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, JUNE 6, 2016 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Gaylor Baird; Council Members: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; City Clerk: Teresa Meier.

Council Chair Gaylor Baird announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. She asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

CAMP Having been appointed to read the minutes of the City Council proceedings of May 23, 2016, reported having done so, found same correct.

Seconded by Christensen & carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING

APPOINTING PATRICK WARD TO THE ALARM APPEALS BOARD FOR A TERM EXPIRING JULY 1, 2017 - Patrick Ward, 7519 Cardwell Circle, applicant, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF DANMAC, INC. DBA THE KEG TO EXPAND ITS CLASS C LIQUOR LICENSE BY THE ADDITION TO THE AREA OF A NEW LICENSED AREA DESCRIBED AS A ONE STORY BUILDING MEASURING APPROXIMATELY 27 FEET BY 140 FEET INCLUDING AN OUTDOOR AREA MEASURING APPROXIMATELY 18 FEET BY 36 FEET TO THE SOUTHWEST LOCATED AT 104 NORTH 20TH STREET. (5/23/16 - PUBLIC HEARING & ACTION CONT'D TO 6/6/16) - Patrick Gray, 2320 W. Laguna Road, applicant, came forward to take the oath and stated the patio would not take up any parking spots, and he has already been in contact with Building and Safety, Planning, and the Liquor Commission for the fence that is needed. Discussion followed.

This matter was taken under advisement.

APPLICATION OF GNS CORPORATION DBA CAPPY'S BAR FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 60 FEET BY 60 FEET AT 5560 SOUTH 48TH STREET ON JUNE 12, 2016 FROM 7:00 A.M. TO 10:00 P.M. (5/23/16 - PUBLIC HEARING & ACTION CONT'D TO 6/6/16) - John Caporale, 5560 S. 48th Street, applicant, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF BACKSWING BREWING COMPANY, LLC DBA BACKSWING BREWING COMPANY FOR A CLASS CK LIQUOR LICENSE AT 500 W SOUTH STREET, SUITE 8;
MANAGER APPLICATION OF THOMAS J. WALKER FOR BACKSWING BREWING COMPANY, LLC DBA BACKSWING BREWING COMPANY AT 500 W SOUTH STREET, SUITE 8;
APPLICATION OF BACKSWING BREWING COMPANY, LLC DBA BACKSWING BREWING COMPANY FOR A CLASS L LIQUOR LICENSE AT 500 W SOUTH STREET, SUITE 8;
MANAGER APPLICATION OF THOMAS J. WALKER FOR BACKSWING BREWING COMPANY, LLC DBA BACKSWING BREWING COMPANY AT 500 W SOUTH STREET, SUITE 8 - Thomas Walker, 14255 Sprague Circle, Omaha, Nebraska, applicant, came forward to take the oath and requested approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF GEORGE'S GOURMET GRILL, LLC DBA GOURMET GRILL FOR A CLASS C LIQUOR LICENSE AT 6891 A STREET, SUITE 202;
MANAGER APPLICATION OF PALWASHA BARKZAI FOR GEORGE'S GOURMET GRILL, LLC DBA GOURMET GRILL AT 6891 A STREET, SUITE 202 - Investigator Conan Schafer, Lincoln Police Department, came forward and stated the applicant's had voiced, on a number of occasions, that they would be withdrawing their application, but never officially withdrew their application with the Liquor Control Commission. During the initial investigation, Palwasha Barkzai was not part of the application. Ms. Barkzai's husband was the primary applicant, and Ms. Barkzai was on the application as the spouse. As the primary applicant, Mr. Ahmad Sultani was statutorily ineligible due to a disqualifying class 1 misdemeanor that he failed to disclose on the initial application. When Mr. Schafer met with Mr. Sultani and informed him this was a disqualifying conviction, Mr. Sultani and Ms. Barkzai went to the Liquor Commission and changed the name on the application showing Ms. Barkzai as the sole member of the company. Mr. Sultani signed a spousal affidavit of nonparticipation of the company. Signing the affidavit excludes him from having any involvement in the business. Mr. Sultani voiced his intent of still working at the business, which is strictly prohibited. Another concern is, the company has been operating under a different corporation name.

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They pay occupation tax and sales tax under a different entity. The entity that was created to obtain the liquor license was created solely for that purpose, and they were not disclosing all the corporate officers of that entity which would have been in violation of State Statute.

This matter was taken under advisement.

APPLICATION OF ATEMAJAC, INC. DBA LA CABANA FOR A CLASS I LIQUOR LICENSE AT 3223 CORNHUSKER HIGHWAY #3;

MANAGER APPLICATION OF GUILLERMO HARO, JR. FOR ATEMAJAC, INC. DBA LA CABANA AT 3223 CORNHUSKER HIGHWAY #3 - Guillermo Haro Jr., 6000 S. 88th Street, applicant, came forward to take the oath and requested approval. Discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION OF COLIN F. DARO FOR NHC, LLC DBA CRAWFORD'S AT 101 NORTH 14TH STREET, SUITE 1 - Colin Daro, 401 Chestnut Drive, applicant, came forward to take the oath and requested approval. Discussion followed.

Investigator Conan Schafer, Lincoln Police Department, came forward and clarified Mr. Daro is here for a managers application and is replacing the current manager of the establishment. Discussion followed.

This matter was taken under advisement.

APPLICATION OF ASANTE IMPRESSIONS, LLC DBA NORTH STAR EXPRESS FOR A CLASS D LIQUOR LICENSE AT 5700 NORTH 33RD CIRCLE;

MANAGER APPLICATION OF JOHN OFORI FOR ASANTE IMPRESSIONS, LLC DBA NORTH STAR EXPRESS AT 5700 NORTH 33RD CIRCLE - John Ofori, 5609 S. 31ST Street, #15, applicant, came forward to take the oath and requested approval.

Robert Asante, 7215 N. 15TH Street, came forward in support.

This matter was taken under advisement.

APPLICATION OF ELKS BPO LINCOLN LODGE 80 FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 40 FEET BY 40 FEET AT LINCOLN ELKS LODGE #80 AT 5910 SOUTH 58TH STREET, SUITE A ON JUNE 18, 2016 FROM 5:30 P.M. TO 10:00 P.M. - Larry Schwindt, 7900 Anna Place, applicant, came forward and requested approval.

This matter was taken under advisement.

APPLICATION OF SMG FOOD & BEVERAGE, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 460 FEET BY 453 FEET, LABELED PATRON PARKING, AN OUTDOOR AREA MEASURING APPROXIMATELY 965 FEET BY 1137 FEET, LABELED SHOW CARS #1, AN OUTDOOR AREA MEASURING APPROXIMATELY 652 FEET BY 406 FEET, LABELED SHOW CARS #2, AND AN OUTDOOR AREA MEASURING APPROXIMATELY 2,082 FEET BY 18 FEET, LABELED PEDESTRIAN BRIDGE, ALL ON MAP 1 AT PINNACLE BANK ARENA AT 400 PINNACLE ARENA DRIVE ON JUNE 25, 2016 FROM 7:00 A.M. TO 6:30 P.M. - Tom Lorenz, Pinnacle Bank Arena, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF EMPYREAN BREWING CO. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN INDOOR AREA MEASURING APPROXIMATELY 70 FEET BY 70 FEET AND AN OUTDOOR AREA MEASURING APPROXIMATELY 50 FEET BY 50 FEET AT 300 SOUTH 7TH STREET ON JUNE 16, 2016 FROM 5:00 P.M. TO 11:00 P.M. - Jim Engelbart, 3340 Franklin Street, applicant, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF JSD, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 40 FEET BY 80 FEET AT INSANE INFLATABLES AT NORTHWEST 46TH AND NORTHWEST 44TH AND AIRPARK ON JUNE 17, 2016 FROM NOON TO 11:00 P.M. AND JUNE 18, 2016 FROM 7:00 A.M. TO 5:00 P.M. - Sandy McCorkindale, 1906 Gunnison Drive, applicant, came forward and requested approval.

Carl Eskridge, Council Member, asked for clarification on the dates requested and the dates of the event.

Ms. McCorkindale confirmed the individuals who are in charge of the event asked for their services the night before the event for the setup, and the day of the event.

Jon Camp, Council Member, asked about the number of people being expected to show up at the event and the number of square feet requested for the event.

Ms. McCorkindale confirmed they projected around 2,500 people and requested 3,200 square feet, but they do not intend for all 2,500 people to show up and the space requested is just for the beer garden area.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 1-15, 2016 - Trent Fellers, Council Member, inquired about the claim from Deloris Hornung of her March, 2016 claim for \$935 regarding a fire truck backing up and hitting her.

Jeff Kirkpatrick, City Attorney, came forward and stated they do not disagree with the general factual allegation. The question is, the fire truck responded to an accident and Ms. Hornung followed the fire truck, in going around two vehicles that were stopped. The position of the Law Department is the City has some liability, but not 100% liability due to Ms. Hornung following the fire truck and not responding when the fire truck began to back up. City Law is asking for denial and will be continuing to talk to Ms. Hornung's insurance company about the claim.

Mr. Fellers asked if the Council denies the claim will it be something that is dealt with later.

Mr. Kirkpatrick said if the City Council approves the claim the City would then pay the entire amount and City Law would not be in the position to negotiate and suggest there was shared liability.

Mr. Fellers asked if the claim was denied could this same claim be filed again and come back in front of Council.

Mr. Kirkpatrick stated if the claim was denied they could file suit and from there they could continue with negotiations without coming back in front of Council. If there is a discussion before they file suit then it would be based off the original claim.

Jon Camp, Council Member, asked if he made a motion to pay Ms. Hornung \$475 would the claim be settled.

Mr. Kirkpatrick stated negotiations would still have to take place and if they decided to file a lawsuit then it would have to be dealt with in court or try and resolve it without going to court.

Cyndi Lamm, asked about the comparative negligent.

Mr. Kirkpatrick shared under the current comparative liability statute that the Law Department operates under an individual can be held partially responsible. The City accepts some liability, but feels Ms. Hornung shares liability as well. City Law feels it is more appropriate to pay part of the damage rather than 100%.

Ms. Lamm asked if negotiations are currently taking place.

Mr. Kirkpatrick confirmed they are in negotiations, but have not resolved them.

Ms. Lamm expressed her concern about litigation cost rather than settling the claim.

Mr. Kirkpatrick said there is an assessment on the City Law's part and the insurance part to figure out a cost benefit analysis. This case is a little different because the majority of the claim and the deductible is the driver, which now has to be worked out with the insurance company.

This matter was taken under advisement.

SPECIAL PERMIT 16022 - APPLICATION OF JOSHUA NIX FOR A LICENSED EARLY CHILDHOOD CARE FACILITY, INCLUDING A WAIVER TO THE PARKING DESIGN STANDARDS, ON PROPERTY GENERALLY LOCATED AT 6519 COLBY STREET - David Carey, Planning Department, came forward and stated the request is for a daycare to take place in an existing home. The home would solely be used to operate the daycare, which consists of up to 8 children and up to 3 staff. The waiver is for access to use the existing alley. The Planning Department is in support because it is to use the existing alley and would not change the conditions. With limited staff being used for the daycare, they could potentially add a few parking spots which can be done off the alley in the new gravel area. Normally, the standard is to not allow daycare access off alley's because typically daycares are a much larger operation and require more parking and need more room for a drop off area which could potentially be a safety issue with using an alley. This is not the case with this waiver due to the small size of the daycare.

Leirion Gaylor Baird, Council Chair, inquired about the language being too broad and asked if that could be fixed to not have any confusion in the future. Nothing in the design standard states anything about the size of a daycare, but more so about small children crossing an alley.

Mr. Carey stated that is something that can be looked into, and clarification would be helpful.

This matter was taken under advisement.

ORDERING CONSTRUCTION OF SIDEWALKS ALONG THE WEST SIDE OF 48TH STREET FROM HOLDREGE TO LEIGHTON STREET WHERE SIDEWALKS CURRENTLY DO NOT EXIST. (4/11/16 - PLACED ON PENDING UNTIL 5/16/16) (5/16/16 - PLACED ON PENDING FOR 2 WEEKS TO 6/6/16) - Miki Esposito, Director of Public Works and Utilities, came forward and stated they are still working with UNL and are requesting a 6-8 week delay to continue to negotiate with the University to try and come to a recommendation that would be good for all parties involved.

This matter was taken under advisement.

ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$6,300,000 AGGREGATE STATED PRINCIPAL AMOUNT OF GENERAL OBLIGATION STORM SEWER AND DRAINAGE SYSTEM BONDS OF THE CITY OF LINCOLN, NEBRASKA - Steve Hubka, Finance Director, came forward and stated these are the bonds that were authorized by the voters during the May election. The ordinance needs to be passed in order to issue the bonds. An estimate of the debt service is roughly \$400,000 which is equivalent to 2.3 tenths of a cent on the tax rate of roughly \$3.45 on a \$150,000 evaluation. This will all depend on the sale of the bonds and the final evaluations from the County Assessor. The estimate should remain relatively close.

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Scott Keene, Ameritas Investment Corps, 5900 O Street, came forward and shared that the numbers that Mr. Hubka provided were based off the current market conditions of a true interest cost of 2.3%. The current interest rate environment is very favorable for this type of financing to get 20 year financing. The bonds will be held at a competitive sale on June 28, 2016. The process after the sale is to settle the bonds and deliver the proceeds two weeks after that.

Mike Rogers, Gilmore and Bell, 450 Regency Parkway, Suite 320, Omaha, Nebraska, came forward and stated the ordinance is the same format as other general obligation bond ordinances. The ordinance specifically includes attachment 1A which is the same attachment and itemized listings to be financed with proceeds of the bonds that were attached to the resolution that was adopted in February. The ordinance sets certain parameters in which the bonds must be sold and authorizes the levy of taxes to pay the debt service on the bonds.

Jon Camp, Council Member asked about itemizing the projects and confirmed if the funds were to go to other categories would it come before Council.

Mr. Rogers stated the ordinance allows the bond proceeds to be used for the items on 1-A and if that needed to be changed there would need to be an amendment which would have to come back in front of Council.

Mr. Camp asked if the projects cost \$6,000,000 where would the remaining \$300,000 be placed.

Mr. Rogers stated City Staff would have to come back in front of Council and ask for permission to spend the funds on projects that are not listed on attachment 1A, so long as the funds are used for improvements or betterments to the City storm water system.

Jeff Kirkpatrick, City Law, came forward and confirmed any additional funds would require Council approval. If Council did not approve the funds to be used on other projects the proceeds would go to paying off the bonds. Discussion followed.

This matter was taken under advisement.

STREET & ALLEY VACATION 16001 - VACATING A PORTION OF THE NORTH 50TH STREET PUBLIC RIGHT-OF-WAY BETWEEN THE SOUTH RIGHT-OF-WAY LINE OF ST. PAUL AVENUE AND THE NORTH RIGHT-OF-WAY LINE OF BALDWIN AVENUE. (RELATED ITEMS: 16-52, 16R-111)
PRE-EXISTING SPECIAL PERMIT 23H - APPLICATION OF NEBRASKA WESLEYAN UNIVERSITY TO AMEND THE SPECIAL PERMIT TO INCLUDE A NEW 75,000 SQUARE FOOT SCIENCE BUILDING, INCLUDING A WAIVER OF THE 35-FOOT MAXIMUM HEIGHT RESTRICTION, INCLUDE ASSOCIATED PARKING, AND EXPAND THE SPECIAL PERMIT BOUNDARY TO ACCOMMODATE ADDITIONAL OFF-STREET PARKING FOR NEBRASKA WESLEYAN UNIVERSITY ON PROPERTY GENERALLY LOCATED AT NORTH 50TH STREET AND HUNTINGTON AVENUE. (RELATED ITEMS: 16-52, 16R-111) - Tom Huston, Cline Williams Law, 233 S. 13th Street, Suite 1900, came forward, representing Nebraska Wesleyan University, and stated in 2004, the City of Lincoln adopted the N. 48th University Place Plan and Nebraska Wesleyan was specifically asked to not expand to the north or the south, but if their growth needs required expansion, they expand to the west. The special waiver includes a height waiver to 45 feet which is an equivalent height to existing facilities within the campus and the First United Methodist Church. The request also asks for 50th Street to be vacated to allow further expansion to the east. The motion to amend paragraph 3A is for an additional aisle of parking which would be 13 stalls. The request to vacate 50th street will allow for better pedestrian access for the students. The University sees this as a good long term decision.

Fred Ohles, 1010 Piedmont Road, President of Nebraska Wesleyan University, came forward in support.

Lawrence Moffet, 5324 Madison Avenue, Pastor of First United Methodist Church, came forward in support. Discussion followed.

Carl Eskridge, Council Member, inquired about parking for the University, Church, and the Neighborhood.

Mr. Huston, clarified the project is not intended to lead directly to student population growth. It is mostly intended to provide additional programming for the existing student body. Adding additional parking, where possible, was a priority when looking at the site plans. Some of the existing parking is being reconfigured and expanded.

Leirion Gaylor Baird, Council Chair, inquired about 50th Street remaining open in case of further growth with the University and the Church.

Mr. Huston stated one thing that was discussed during negotiations between the Church and the University was the importance of the traffic from St. Paul and Baldwin Avenue which are the two primary links to 48th Street. The design is set up, and was focused on, not interrupting access to the main road which is 48th Street as a long term goal.

Ms. Gaylor Baird asked if there was any traffic analysis performed on 50th Street.

Mr. Huston confirmed there was no traffic analysis, but they decided the traffic on 50th Street was primarily for internal use to and from the Church.

Ms. Gaylor Baird inquired about one letter of opposition from UPCO.

Mr. Huston said that UPCO did have concern regarding 50th Street closing, but after further review, to his knowledge, UPCO is now in support of the project.

This matter was taken under advisement.

CHANGE OF ZONE 16010 - APPLICATION OF LANCASTER COUNTY BOARD OF COMMISSIONERS FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 2201 SOUTH 17TH STREET. (RELATED ITEMS 16-53, 16R-110);

APPROVING A DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN, NEBRASKA AND THE COUNTY OF LANCASTER, NEBRASKA TO RESTRICT USE OF THE PROPERTY UNDER THE PROPOSED CHANGE OF ZONE NO. 16010 ON PROPERTY GENERALLY LOCATED AT 2201 SOUTH 17TH STREET. (RELATED ITEMS 16-53, 16R-110) - Todd Wiltgen, Vice Chair of the Lancaster County Board of Commissioners, came forward and stated the building will be vacant and the County has decided to sell the building. By statute, the County is required to hold a public hearing where interested parties can speak for or against the sale of the building. Issues can also be raised about the fair market value of the property as determined by the County Board. The Board is then required to set a sale for the property within 2 months of the public hearing. If no bids are received or if the bids are substantially below market value, the County is then free to lease or sale the property if in the best interest of the County. The requested change in zone from R4 to B3 is due to parking requirements in R4 zone that restrict the usable space in the building from 35,003 square feet to 31,800 square feet. This results in a substantial reduction in the property value of almost \$635,000. A recent appraisal commissioned by the Board in the R4 zone at \$2,500,000 million, and a B3 zoning was appraised at \$3,185,000. The County Board is mindful of some of the uses allowed under B3 zoning which can result in negative consequences to the Near South neighborhood. The County's only interest in requesting the B3 zoning is to allow full usage of the building. The County is willing to accept all reasonable conditions limiting how the property can be used under B3 zoning. Under the conditions, the future usage will be similar to past usage. The County is also aware that an argument has been made that the County has contracted away it's right to seeking a change in zone on the property because of an agreement entered into between the County and Bryan Hospital in 2007, in exchange for parking lots. This argument is without merit and will be addressed fully by Kerry Eagan.

Trent Fellers, confirmed that the appraisal assessed fair market value, but with the bidding they can get more than the value.

Mr. Wiltgen stated by law they have to obtain an appraisal to determine the fair market value. They can then begin the bidding process and if none of the bids come in close to the fair market value then, at that point, they can begin negotiations.

Mr. Fellers asked if the building is sold would the buyer be able to come back in front of Council to request a change in zone.

Mr. Wiltgen said that would be up to the Planning Commission and Council.

Leirion Gaylor Baird, Council Chair, inquired about the majority of the Planning Commissioners stating if this were a different applicant, and not the County as the applicant coming forward in preparation of a sale to change the zone they would likely say no to the request.

Mr. Wiltgen stated other applicant's are not subject to the same state laws that the County is subject to. As a County, they are also obligated to do what is in the best interest of the taxpayers.

Cyndi Lamm, Council Member confirmed the process of selling the building.

Mr. Wiltgen said if it were a private entity selling the building, they could forgo the appraisal process and go straight to negotiations. Then it would be up to the new property owner to obtain an appraisal. In this case the zoning issue has to be resolved before the public sale. The proceeds of the building will also be used to pay off the bonds used in the construction of the Benesch building, which will be used for the new Crisis center. Discussion followed.

Roy Christensen, Council Member, asked if this was an open bid sale.

Mr. Wiltgen confirmed it is a public sale.

Jane Raybould, Council Member, asked for clarification, if the building was sold as B3 zoning or O2 zoning would they be the same, but B3 zoning would mostly allow greater value.

Mr. Wiltgen added that it also comes down to the additional parking spaces allowed in changing the zone. R4 zoning also limits the square footage of the building that can be used.

Mr. Christensen stated the parking will not be increased, the change in zone allows for the opportunity to utilize the entire building.

Jon Camp, Council Member asked if there is a possibility for there to be a compromise with the community or the hospital.

Mr. Wiltgen stated as the County, they cannot do that. They have to follow the law and the process is laid out very clearly. There have been no negotiations with anyone. State law says the building must be appraised and put up for sale and not following the process would be a violation of State Law.

Kerry Eagan, Chief Administrative Officer for Lancaster County Board of Commissioners, came forward and stated this request is not being treated with any sort of favorable treatment. The request should be looked at on it's own merit. The situation is unique and should be judged on the facts. In 2007, Lancaster County and Bryan Medical entered into an agreement. The first section of the agreement is a detailed agreement on how Bryan Medical will treat patients who are the responsibility of the County. For example, general assistance patients, individuals who are in jail, and patients who are being held in emergency protective custody. The agreement also included the County paying for these services. The second section of the agreement is for the transfer of ownership of real property between the parties. Pursuant to that section, the County transferred 126 parking stalls located to the west of the Community Health Center to Bryan Medical and, in exchange, Bryan Medical transferred 102 stalls that were located to the southeast of the building to the County. There were 4 existing spaces, which made the total stalls 106. An argument was made at the Planning Commission meeting on, May 11, 2016, that when the County entered into this agreement they sold its property rights in exchange for services. This argument implies that the County specifically gave up rights to the full building in exchange for favorable pricing for medical services from Bryan. This agreement has no legal basis, and should not be considered when deciding merit of the County's request for a change in zones. This agreement also has an integration clause that provides the following: this

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agreement, including all schedules, represents the entire agreement, and understandings of the party hereto, and all agreements understandings representations and warranties, whether written, or oral in regard to the subject matter hereof are and been merged herein. In the agreement, the County never agreed to give up the full rights to the building. If Bryan Medical had intentions of not allowing the County to change the zone later down the line, that language should have been included in the agreement. Without getting the approval to change the zone, the County will lose the right to utilize a substantial portion of this building; portions of the building that have been fully used since the Health Department started using the building. It is the best interest of the taxpayers to be able to sell the building based on its full use. All concerns of the neighbors and Bryan Hospital regarding using a B3 zoning can be adjusted and addressed. An O2 zoning still would not allow the building to be used in its entirety.

Ms. Lamm confirmed the number of parking spaces currently available would not support the full use of the building if it were to stay an R4 zone or be changed to an O2 zone.

Mr. Eagan stated in the manner that the building has been traditionally used, the number of parking spots currently available would not allow the building to be used the way it has been used in the past. In addition, in 2007, it was Bryan that approached the County to enter into this agreement. Bryan wanted the space in the middle because it was a big portion of their existing campus. When the County entered into the agreement they were not too concerned with numbers at the time. The County was aware that there was a difference in parking stalls, but the County was looking at it just as a parking exchange. They looked at the service agreement as a separate matter.

Ms. Lamm inquired about the restrictions that could be enforced if this changes to a B3 zone.

Mr. Eagan stated the County Board would be in agreement to placing restrictions on the types of uses for the building in order to protect and guard the neighborhood. The County only wants to be able to utilize the full building and the parking.

Ms. Raybould asked what the County was paying for medical services before the 2007 agreement.

Mr. Eagan explained before Bryan the hospital was Lincoln General and they were paying whatever the medicaid rate was for prisons and other individuals in their custody.

Ms. Raybould asked when the 2007 agreement would expire or if it has lapsed.

Mr. Eagan stated the land sale was permanent, and that was very specific in the agreement. The other section of the agreement lasted for 5 years, and at the end of the period the agreement continues, but either party can terminate the agreement.

Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing Bryan Health, and stated the Planning Commission did not support the request to change zones to B3. The Planning Commission voted 6-2 in recommending denial. The 6 members felt it was bad precedent to approve a more intense zoning without knowing who the user of the building would be, and what the potential use of the building would be. Bryan supports the R4 rezone with a special permit that allows it to be a nonmedical building. Bryan Hospital also supports the O2 zone uses and not the retail uses. The B3 uses should not be in such close proximity to the hospital. The types of shops that are of concern would be cigarette shops, billiards, gun and ammunition shops, and liquor stores. With these shops, parking is a concern also. The parking for the B3 zone can flow over into the hospital parking. Allowing B3 could also allow for more strip zones close to the hospital. The hospital has never claimed the County does not have rights to the building or the right to change the zone. The hospital does feel that in 2007 the County sold real estate that caused them to be in the situation they are currently in. The hospital nor the community never received notice of the public hearing regarding the sale.

Kim Russell, 1600 S. 48th Street, President and CEO of Bryan Health Center, came forward and shared that Bryan Medical is deeply committed to enhancing the health services on the campus and for Bryan West to be a safe and stable secure area. This issue is more than a zone change for Bryan Medical. The hospital has a tremendous duty to the safety of everyone coming to the campus, whether they be a patient, a family member, a visitor, or the Bryan Medical staff. Bryan invests in 24 hour security of the campus, both externally and internally. Bryan is concerned that if the building is used for businesses allowed in the B3 zoning, that it will greatly increase the challenge to keeping the campus secure. Another concern is when a family member drives onto the campus because their loved one has just been brought into a trauma center, and is in the operating room or in the intensive care unit that the family does not have to circle around the campus trying to search for parking. The Bryan Substance Abuse Treatment Center is also located on the campus. The hospital is concerned if a liquor store were to be put into the building and in such close proximity to the Recovery Center.

Roy Christensen, Council Member, asked if the hospital plans to bid on the building and if Council votes to not approve the zoning then the hospital will be able to buy the property for \$600,000 less than if the zone was changed.

Ms. Russell confirmed that the hospital does plan to bid on the property, but based on the County's process, it is not guaranteed that the hospital will be the successful bidder. Prior to the meeting, the hospital had never heard any prices of the building. It was the understanding that the appraisals had not been released to the public, and if they have been released, the hospital has not seen them. The hospitals concern is about the long term use of the property and what types of businesses can occupy that property.

Mr. Seacrest added the numbers that were presented were not based on an O2 zoning which would allow office use. The hospital feels the B3 zoning is giving the County a pass to not have to provide the number or parking spaces that would have to be provided by other commercial zones.

Mr. Christensen clarified that the County would allow restrictions on this property if the zone was changed and there would be no possibility of a liquor store or any other business similar to that.

Mr. Seacrest stated that he heard the County suggest that also, but the County had never agreed to that offer in the past. The hospital would be in favor if there were restrictions on the types of businesses that were allowed in the building. Discussion followed.

Doug Headlee, President of Neighborhood Association, 2635 S. 13th Street, came forward in opposition.

Mr. Camp asked how the neighborhood would feel if the zone was changed to an O2 zone.

Mr. Headlee stated, to his knowledge, the County had never agreed to O2 zoning and today was his first time hearing of that. If O2 zoning was offered, the neighborhood would be in favor of that.

Ms. Raybould asked if it is out of the normal process to get a zoning change before selling a property.

David Carey, Planning Department, came forward and confirmed it can vary. At times a known user can come forward or the zone can be changed without knowing who the known user will be. Discussion followed.

Ms. Gaylor Baird asked for clarification on the difference between B3 zone and O2 zone.

Mr. Carey confirmed there is a difference, but B3 zone would require a significant reduction in the range of uses that would be allowed. Planning has been working on stripping down the range of uses in the B3 zoning, down to retail sales and personal services. There are a wide range of uses that can be allowed in the B3 zoning. The zoning agreement would state that certain businesses would not be allowed.

Ms. Gaylor Baird stated she heard testimony about the neighborhood and Bryan not get notice of the meeting regarding this change in zone request and asked if the Planning Department is responsible for sending out the notices.

Mr. Carey confirmed that it is not the responsibility of the Planning Department to send out notices. It is his understanding that notices were sent out to residents who were a certain number of feet from the building.

Ms. Raybould asked if a buyer purchases the property and wanted to later change the restrictions, what would be the process.

Mr. Carey stated they would have to propose a change and also come before Council to get that approved.

Mr. Eagan provided the 2007 agreement for the record. The County feels this change in zone will not have any negative impact on the neighborhood.

Mr. Wiltgen confirmed the list of individuals that were invited was from the Planning Department, and the invites went to the residents within a certain number of feet from the building. The Commission is willing to provide a list of individuals that the invitation was sent to. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 16015 - APPLICATION OF CAPITOL GROUP, INC. FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT 1404 SUPERIOR STREET - Mark Hunzeker, Baylor Evnen Law, 1248 O Street, Suite 600, came forward and requested approval.

This matter was taken under advisement.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND SILVER PROPERTIES, LLC FOR A LEASE OF SPACE FOR A ONE-YEAR TERM FOR USE BY THE LINCOLN POLICE DEPARTMENT - Jeffrey Bliemeister, Chief of Police, came forward and confirmed this is a renewal of an existing lease agreement. The costs are shared annually, and it is a collaborative effort with the Nebraska State Patrol. LPD has been utilizing this space for about 15 years.

Carl Eskridge, Council Member, stated he did not see a specific location on the agreement.

Chief Bliemeister stated this is in the Northeast quadrant of Lincoln. This is an investigative location where one of the investigative units is housed and preferred the address stay confidential.

This matter was taken under advisement.

APPROVING THE ESTABLISHMENT OF THE WEST "O" STREET MAINTENANCE BUSINESS IMPROVEMENT DISTRICT WITHIN THE EXTERIOR BOUNDARIES OF AN AREA GENERALLY ALONG WEST "O" STREET FROM 3RD STREET ON THE EAST TO HOMESTEAD EXPRESSWAY ON THE WEST AND INCLUDING THE PROPERTY ABUTTING THE NORTH AND SOUTH SIDES OF SAID WEST "O" STREET RIGHT-OF-WA. (5/23/16 - PUBLIC HEARING CONT'D W/3RD READING TO 6/6/16) - David Landis, Urban Development, came forward and shared the West O Business District has always agreed to the maintenance of the location. Current expenditure costs of \$7,000 and the full year will be \$14,000 for 18,000 square feet. For maintenance, the land holders will pay less than \$1 a foot.

Mike Deibert, Chair of Business Improvement District, came forward in support. Discussion followed.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING PATRICK WARD TO THE ALARM APPEALS BOARD FOR A TERM EXPIRING JULY 1, 2017 - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-89743 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Patrick Ward to the Alarm Appeals Board, for a term expiring July 1, 2017, is hereby approved.

Introduced by Jane Raybould

Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

REQUEST OF PUBLIC WORKS TO SET THE HEARING DATE OF MONDAY, JUNE 27, 2016, AT 5:30 P.M. & PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

16-56 PROVIDE AUTHORITY TO CREATE A REPAVING DISTRICT IN SAUNDERS AVENUE FROM 12TH STREET TO 14TH STREET.

CLERK Requested a motion to approve the request of Public Works to set the hearing date.

FELLERS Moved to approve the request of Public Works to set the hearing date.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON MAY 16, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON MAY 23, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS ON APRIL 30, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JUNE 20, 2016 AT 3:00 P.M. ON THE APPLICATION OF TIPITNEBKELSER LLC DBA 1867 BAR FOR A CLASS C LIQUOR LICENSE AT 101 NORTH 14TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89744 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 20, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Tipitnebkelsler LLC dba 1867 Bar for a Class C Liquor License at 101 North 14th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JUNE 20, 2016 AT 3:00 P.M. ON THE APPLICATION OF HOOKSBIZ INC DBA TANNER'S BAR & GRILL FOR A CLASS I LIQUOR LICENSE AT 6940 A STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89745 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 20, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Hooksbiz Inc dba Tanner's Bar & Grill for a Class I Liquor License at 6940 A Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JUNE 20, 2016 AT 3:00 P.M. ON THE APPLICATION OF SULTANI BROTHERS INC. DBA GOURMET GRILL FOR A CLASS A LIQUOR LICENSE AT 1400 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89746 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 20, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Sultani Brothers Inc. dba Gourmet Grill for a Class A Liquor License at 1400 O Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JUNE 20, 2016 AT 3:00 P.M. ON THE APPLICATION OF SURYA LLC DBA SURAJ'S PLACE FOR A CLASS D LIQUOR LICENSE AT 5640 HIDCOTE DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89747 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 20, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Surya LLC dba Suraj's Place for a Class D Liquor License at 5640 Hidcote Drive.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JUNE 20, 2016 AT 3:00 P.M. ON THE APPLICATION OF EMPYREAN BREWING CO. DBA EMPYREAN BREWING CO. TO ADD CATERING TO THEIR EXISTING CLASS L LIQUOR LICENSE AT 300 SOUTH 7TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89748 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 20, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Empyrean Brewing Co. dba Empyrean Brewing Co. to add Catering to their existing Class L Liquor License at 300 South 7th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JUNE 20, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF CYNTHIA ELLIOTT FOR KINSETH HOTEL CORPORATION DBA HAMPTON INN AT 7343 HUSKER CIRCLE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89749 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 20, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Cynthia Elliott for Kinseth Hotel Corporation dba Hampton Inn at 7343 Husker Circle.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JUNE 20, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF CYNTHIA ELLIOTT FOR KINSETH HOTEL CORPORATION DBA RESIDENCE INN AT 5865 BOBOLI LANE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89750 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 20, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Cynthia Elliott for Kinseth Hotel Corporation dba Residence Inn at 5865 Boboli Lane.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JUNE 20, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF IAN J. BUTLER FOR SHOPKO STORES OPERATING CO., LLC DBA SHOPKO #175 AT 6845 SOUTH 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89751 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 20, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Ian J. Butler for Shopko Stores Operating Co., LLC dba Shopko #175 at 6845 South 27th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

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Introduced by Jon Camp

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JUNE 20, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF IAN J. BUTLER FOR SHOPKO STORES OPERATING CO., LLC DBA SHOPKO #172 AT 3400 NORTH 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89752 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 20, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Ian J. Butler for Shopko Stores Operating Co., LLC dba Shopko #172 at 3400 North 27th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JUNE 20, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF IAN J. BUTLER FOR SHOPKO STORES OPERATING CO., LLC DBA SHOPKO #47 AT 100 SOUTH 66TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89753 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 20, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Ian J. Butler for Shopko Stores Operating Co., LLC dba Shopko #47 at 100 South 66th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JUNE 20, 2016 AT 3:00 P.M. ON THE APPLICATION COTTONWOOD CAFÉ LLC DBA COTTONWOOD CAFÉ FOR AN ADDITION TO THEIR LICENSED PREMISE TO INCLUDE AN OUTDOOR AREA MEASURING APPROX. 12' X 48' TO THE SOUTH - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89754 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 20, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application Cottonwood Café LLC dba Cottonwood Café for an addition to their licensed premise to include an outdoor area measuring approx. 12' x 48' to the south.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JUNE 20, 2016 AT 3:00 P.M. ON THE APPLICATION OF BES AND BELLAS LLC DBA FLORIO'S FOR A CLASS I LIQUOR LICENSE AT 7300 SOUTH 13TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89755 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 20, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Bes and Bellas LLC dba Florio's for a Class I Liquor License at 7300 South 13th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JUNE 20, 2016 AT 3:00 P.M. ON THE APPLICATION NHC LLC DBA CRAWFORD'S FOR A DELETION TO THEIR LICENSED PREMISE AN IRREGULAR SHAPED AREA ON MAIL FLOOR MEASURING APPROX. 65' X 48' AT 101 N. 14TH ST., SUITE 1 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89756 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 20, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of NHC LLC dba Crawford's for a deletion to their licensed premise an irregular shaped area on mail floor measuring approx. 65' x 48' at 101 N. 14th St., Suite 1.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPT.:

Special Permit 16022, - requested by Joshua Nix for a licensed early childhood care facility, including a waiver to the parking design standards, on property generally located at 6519 Colby Street.

Change of Zone 16015, requested by Capitol Group, Inc. for a change of zone from B-1 Local Business District to B-2 Planned Neighborhood Business District on property generally located at 1404 Superior Street.

Change of Zone 16010, - requested by Lancaster County Board of Commissioners for a change of zone from R-4 Residential District to B-3 Commercial District on property generally located at 2201 South 17th Street.

Special Permit 1906A, requested by Crown Castle on behalf of Verizon Wireless, to modify allowed antennas on an existing personal wireless facility (cell tower), on property generally located at 2601 North 70th Street.

Change of Zone 16016, requested by 48th Street Development, LLC, from B-1 Local Business Dist., H-2 Highway Dist. and O-2 Suburban Office Dist. to B-3 PUD Commercial Business Dist. Planned Unit Development, including waivers for storm water detention, building height, setbacks, and screening & landscaping requirements, on property generally located at 48th and Holdrege Streets.

Special Permit 16019, requested by Dobson Brothers Construction Co., to operate a rock crusher, on property generally located at 7845 Fletcher Avenue.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 16024, to Special Permit #1995A, Hub Hall Heights CUP, approved by the Planning Director on May 17, 2016, to modify two detention cells in the northeast corner of the development, move the proposed storm sewer to the west, and revise the minimum opening elevations on Lots 44-46 of Block 3, on property generally located at N.W. 48th Street and W. Holdrege Street.

Administrative Amendment No. 16031, to Special Permit #664C, Park Place CUP, approved by the Planning Director on May 26, 2016, to adjust the side yard setback along the north line of Lot 39 from 5' to 3', on property at 2916 Park Place Court, generally located at Normal Boulevard and Van Dorn Street.

LIQUOR RESOLUTIONS

APPLICATION OF DANMAC, INC. DBA THE KEG TO EXPAND ITS CLASS C LIQUOR LICENSE BY THE ADDITION TO THE AREA OF A NEW LICENSED AREA DESCRIBED AS A ONE STORY BUILDING MEASURING APPROXIMATELY 27 FEET BY 140 FEET INCLUDING AN OUTDOOR AREA MEASURING APPROXIMATELY 18 FEET BY 36 FEET TO THE SOUTHWEST LOCATED AT 104 NORTH 20TH STREET. (5/23/16 - PUBLIC HEARING & ACTION CONT'D TO 6/6/16) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89757 That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Danmac, Inc. dba The Keg to expand its licensed premises by the addition to the area of a new licensed area described as a one story building measuring approximately 27 feet by 140 feet including an outdoor area measuring approximately 18 feet by 36 feet to the southwest, at 104 North 20th Street, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all City and State regulations, specifically the Smoking Regulation Act and the Nebraska Clean Indoor Air Act.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF GNS CORPORATION DBA CAPPY'S BAR FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 60 FEET BY 60 FEET AT 5560 SOUTH 48TH STREET ON JUNE 12, 2016 FROM 7:00 A.M. TO 10:00 P.M. (5/23/16 - PUBLIC HEARING & ACTION CONT'D TO 6/6/16) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89758 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of GNS Corporation dba Cappy's Bar for a special designated license to cover an outdoor area measuring approximately 60 feet by 60 feet at 5560 South 48th Street, Lincoln, Nebraska, on June 12, 2016, between the hours of 7:00 a.m. and 10:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.

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2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF BACKSWING BREWING COMPANY, LLC DBA BACKSWING BREWING COMPANY FOR A CLASS CK LIQUOR LICENSE AT 500 W SOUTH STREET, SUITE 8 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89759 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Backswing Brewing Co., LLC dba Backswing Brewing Company for a Class "CK" liquor license at 500 W South Street, Suite 8, Lincoln, Nebraska, for the license period ending October 31, 2016, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

2. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF THOMAS J. WALKER FOR BACKSWING BREWING COMPANY, LLC DBA BACKSWING BREWING COMPANY AT 500 W SOUTH STREET, SUITE 8 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89760 WHEREAS, Backswing Brewing Co., LLC dba Backswing Brewing Company located at 500 W South Street, Suite 8, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Thomas J. Walker be named manager;

WHEREAS, Thomas J. Walker appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Thomas J. Walker be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF BACKSWING BREWING COMPANY, LLC DBA BACKSWING BREWING COMPANY FOR A CLASS L LIQUOR LICENSE AT 500 W SOUTH STREET, SUITE 8 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89761 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Backswing Brewing Co., LLC dba Backswing Brewing Company for a Class "L" liquor license at 500 W South Street, Suite 8, Lincoln, Nebraska, for the license period ending April 30, 2017, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

2. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF THOMAS J. WALKER FOR BACKSWING BREWING COMPANY, LLC DBA BACKSWING BREWING COMPANY AT 500 W SOUTH STREET, SUITE 8 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89762 WHEREAS, Backswing Brewing Co., LLC dba Backswing Brewing Company located at 500 W South Street, Suite 8, Lincoln, Nebraska has been approved for a Retail Class "L" liquor license, and now requests that Thomas J. Walker be named manager;

WHEREAS, Thomas J. Walker appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Thomas J. Walker be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF GEORGE'S GOURMET GRILL, LLC DBA GOURMET GRILL FOR A CLASS C LIQUOR LICENSE AT 6891 A STREET, SUITE 202 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-89763 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, pertinent City ordinances, and the following:

- a. If the applicant is of a class of person to whom no license can be issued.
- b. If the existing population of the City of Lincoln and the projected population growth of the City of Lincoln and within the area to be served are adequate to support the proposed license.
- c. If the issuance of the license would be compatible with the nature of the neighborhood or community.
- d. If existing licenses with similar privileges adequately serve the area.
- e. If there are any existing motor vehicle and/or pedestrian traffic flow issues in the area or if this application would cause motor vehicle and/or pedestrian traffic flow issues.
- f. If there is an adequate number of existing law enforcement officers in the area.
- g. If there are zoning and/or distance restrictions that prevent the issuance of a license.
- h. If there are sanitation and/or sanitary conditions on or about the area.
- i. If a citizens' protest has been made.

The City Council recommends to the Nebraska Liquor Control Commission that the application of George's Gourmet Grill, LLC dba Gourmet Grill for a Class "C" liquor license at 6891 A Street, Suite 202, Lincoln, Nebraska, be denied. The City Council has determined that the application should be denied for one or more of the following reasons:

- a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.
- b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.
- c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.
- d. The applicant has not demonstrated that the issuance of the license is or will be required by the present or future public convenience and necessity.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF PALWASHA BARKZAI FOR GEORGE'S GOURMET GRILL, LLC DBA GOURMET GRILL AT 6891 A STREET, SUITE 202 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-89764 WHEREAS, George's Gourmet Grill, LLC dba Gourmet Grill located at 6891 A Street, Suite 202, Lincoln, Nebraska requests that Palwasha Barkzai be named manager of its facility in accordance with its application for a Retail Class "C" liquor license.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends to the Nebraska Liquor Commission that Palwasha Barkzai be denied as manager of this business for said licensee. The City Council has determined that the application should be denied for one or more of the following reasons:

- a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.
- b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.
- c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

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Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF ATEMAJAC, INC. DBA LA CABANA FOR A CLASS I LIQUOR LICENSE AT 3223 CORNHUSKER HIGHWAY #3 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89765 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of ATEMAJAC, Inc. dba La Cabana for a Class "I" liquor license at 3223 Cornhusker Highway #3, Lincoln, Nebraska, for the license period ending April 30, 2017, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

2. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF GUILLERMO HARO, JR. FOR ATEMAJAC, INC. DBA LA CABANA AT 3223 CORNHUSKER HIGHWAY #3 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89766 WHEREAS, ATEMAJAC, Inc. dba La Cabana located at 3223 Cornhusker Highway #3, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Guillermo Haro, Jr. be named manager;

WHEREAS, Guillermo Haro, Jr. appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Guillermo Haro, Jr. be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF COLIN F. DARO FOR NHC, LLC DBA CRAWFORD'S AT 101 NORTH 14TH STREET, SUITE 1 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89767 WHEREAS, NHC, LLC dba Crawford's located at 101 North 14th Street, Suite 1, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Colin F. Daro be named manager;

WHEREAS, Colin F. Daro appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Colin F. Daro be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF ASANTE IMPRESSIONS, LLC DBA NORTH STAR EXPRESS FOR A CLASS D LIQUOR LICENSE AT 5700 NORTH 33RD CIRCLE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89768 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Asante Impressions, LLC dba North Star Express for a Class "D" liquor license at 5700 North 33rd Circle, Lincoln, Nebraska, for the license period ending April 30, 2017, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage manager training course required by Section 5.04.035 of the Lincoln Municipal Code prior to receiving the liquor license from the City Clerk.

2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

3. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF JOHN OFORI FOR ASANTE IMPRESSIONS, LLC DBA NORTH STAR EXPRESS AT 5700 NORTH 33RD CIRCLE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89769 WHEREAS, Asante Impressions, LLC dba North Star Express located at 5700 North 33rd Circle, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that John Ofori be named manager;

WHEREAS, John Ofori appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that John Ofori be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF ELKS BPO LINCOLN LODGE 80 FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 40 FEET BY 40 FEET AT LINCOLN ELKS LODGE #80 AT 5910 SOUTH 58TH STREET, SUITE A ON JUNE 18, 2016 FROM 5:30 P.M. TO 10:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89770 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Elks BPO Lincoln Lodge 80 for a special designated license to cover an outdoor area measuring approximately 40 feet by 40 feet at Lincoln Elks Lodge #80 at 5910 South 58th Street, Suite A, Lincoln, Nebraska, on June 18, 2016, between the hours of 5:30 p.m. and 10:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF SMG FOOD & BEVERAGE, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 460 FEET BY 453 FEET, LABELED PATRON PARKING, AN OUTDOOR AREA MEASURING APPROXIMATELY 965 FEET BY 1137 FEET, LABELED SHOW CARS #1, AN OUTDOOR AREA MEASURING APPROXIMATELY 652 FEET BY 406 FEET, LABELED SHOW CARS #2, AND AN OUTDOOR AREA MEASURING APPROXIMATELY 2,082 FEET BY 18 FEET, LABELED PEDESTRIAN BRIDGE, ALL ON MAP 1 AT PINNACLE BANK ARENA AT 400 PINNACLE ARENA DRIVE ON JUNE 25, 2016 FROM 7:00 A.M. TO 6:30 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89771 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of SMG Food & Beverage, LLC for a special designated license to cover an outdoor area measuring approximately 460 feet by 453 feet, labeled Patron Parking, an outdoor area measuring approximately 965 feet by 1137 feet, labeled Show Cars #1, an outdoor area measuring approximately 652 feet by 406 feet, labeled Show Cars #2, and an outdoor area measuring approximately 2,082 feet by 18 feet, labeled Pedestrian Bridge, all on Map 1 at Pinnacle Bank Arena at 400 Pinnacle Arena Drive, Lincoln, Nebraska, on June 25, 2016, between the hours of 7:00 a.m. and 6:30 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.

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2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF EMPYREAN BREWING CO. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN INDOOR AREA MEASURING APPROXIMATELY 70 FEET BY 70 FEET AND AN OUTDOOR AREA MEASURING APPROXIMATELY 50 FEET BY 50 FEET AT 300 SOUTH 7TH STREET ON JUNE 16, 2016 FROM 5:00 P.M. TO 11:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89772 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Empyrean Brewing Co. for a special designated license to cover an indoor area measuring approximately 70 feet by 70 feet and an outdoor area measuring approximately 50 feet by 50 feet at 300 South 7th Street, Lincoln, Nebraska, on June 16, 2016, between the hours of 5:00 p.m. and 11:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF JUNTO, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 10 FEET BY 10 FEET AT HAYMARKET FARMERS MARKET AT CANOPY STREET ON JUNE 18 AND JULY 16, 2016 FROM 8:00 A.M. TO 1:00 P.M. - PRIOR to reading:

CAMP Moved to delay Public Hearing with Action 1 week to 06/13/16.

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None

APPLICATION OF JSD, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 40 FEET BY 80 FEET AT INSANE INFLATABLES AT NORTHWEST 46TH AND NORTHWEST 44TH AND AIRPARK ON JUNE 17, 2016 FROM NOON TO 11:00 P.M. AND JUNE 18, 2016 FROM 7:00 A.M. TO 5:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89773 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of JSD, LLC for a special designated license to cover an outdoor area measuring approximately 40 feet by 80 feet at Insane Inflatables at Northwest 46th and Northwest 44th and Airpark, Lincoln, Nebraska, on June 18, 2016, between the hours of 7:00 a.m. and 5:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING
DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 1-15, 2016 - PRIOR to reading:
CAMP Moved to Amend Bill No. 16r-109 to remove the State Farm Insurance claim for Deloris Hornung
from the Denied Claims list.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge,
Gaylor Baird, Lamm; NAYS: Fellers, Raybould.

CLERK Read the following resolution, introduced by Jane Raybould, who moved its adoption as amended:
A-89774 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated May 16, 2016, of
various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or
the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required
by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney,
as shown by the attached report, are hereby approved:

DENIED CLAIMS		ALLOWED/SETTLED CLAIMS	
State Farm Insurance		Krysta Foster	\$ 300.50
a/s/o Deloris Hornung	\$ 935.21	Kyle Wagner	1,856.81
Brandon Ryan	76.99	American Family Insurance	
Rebecca Stewart	1,257.97	a/s/o Dyan Jackson	2,017.00
Elizabeth Brandt	513.24	Tyler Groskurth	45.00
Elenora Halsted	274.16	Bonnie Brown	2,215.05
Steven Quirez	762.22		
Fred Hurlbut	166.03		
Bryce Heesacker	180.78		

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this
resolution which shows the final disposition of their claim.

Introduced by Jane Raybould

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge,
Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SPECIAL PERMIT 16022 - APPLICATION OF JOSHUA NIX FOR A LICENSED EARLY CHILDHOOD CARE
FACILITY, INCLUDING A WAIVER TO THE PARKING DESIGN STANDARDS, ON PROPERTY
GENERALLY LOCATED AT 6519 COLBY STREET - CLERK read the following resolution, introduced
by Jane Raybould, who moved its adoption:

A-89775 WHEREAS, Joshua Nix has submitted an application designated as Special Permit No. 16022 to
permit a licensed early childhood care facility to be operated on property generally located at 6519 Colby
Street, and legally described as:

Lot 7, Block 33, Bethany Heights, Lincoln, Lancaster County, Nebraska;

WHEREAS, the application further requested a waiver of Design Standards for Early Childhood
Care Facilities to allow access to the facility from an alley; and

WHEREAS, the real property adjacent to the area included within the site plan for this early
childhood care facility will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are
consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public
health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Joshua Nix, hereinafter referred to as "Permittee", for a licensed early
childhood care facility, including the requested waiver to the Design Standards for Early Childhood Care
Facilities, on the property legally described above, be and the same is hereby granted under the provisions
of Section 27.63.070 of the Lincoln Municipal Code upon condition that construction and operation of said
early child care facility be in strict compliance with said application, the site plan, and the following
additional express terms, conditions, and requirements:

1. This permit approves an early childhood care facility and grants a waiver to Section 1.6,
Chapter 3.90 of the Design Standards for Early Childhood Care Facilities to allow access to the facility
solely from an alley.
2. Before starting operation all development and construction shall substantially comply
with the approved plans.
3. All privately-owned improvements, including landscaping, shall be permanently
maintained by the Permittee.
4. The physical location of all setbacks and yards, buildings, parking and circulation
elements, and similar matters must be in substantial compliance with the location of said items as shown on
the approved site plan.
5. The terms, conditions, and requirements of this resolution shall run with the land and be
binding upon the Permittee, its successors, and assigns.
6. The Permittee shall sign and return the City's letter of acceptance to the City Clerk. Thi
step should be completed within 60 days following the approval of the special permit. The City Clerk shall
file a copy of the resolution approving the special permit and the letter of acceptance with the Register of
Deeds, filing fees therefor to be paid in advance by the Permittee. Building permits will be issued unless
the letter of acceptance has been filed.

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Introduced by Jane Raybould

Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

ORDERING CONSTRUCTION OF SIDEWALKS ALONG THE WEST SIDE OF 48TH STREET FROM HOLDREGE TO LEIGHTON STREET WHERE SIDEWALKS CURRENTLY DO NOT EXIST. (4/11/16 - PLACED ON PENDING UNTIL 5/16/16) (5/16/16 - PLACED ON PENDING FOR 2 WEEKS TO 6/6/16) - PRIOR to reading:

CHRISTENSEN Moved to continue Public Hearing with Action to 08/01/16.

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required)

ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$6,300,000 AGGREGATE STATED PRINCIPAL AMOUNT OF GENERAL OBLIGATION STORM SEWER AND DRAINAGE SYSTEM BONDS OF THE CITY OF LINCOLN, NEBRASKA - CLERK read an ordinance, introduced by Jane Raybould, an ordinance authorizing and providing for the issuance, sale and delivery of general obligation stormwater drainage and flood management system bonds, series 2016, of the City of Lincoln, Nebraska, in an aggregate principal amount not to exceed \$6,300,000 (the "bonds"), for the purpose of paying the costs of constructing improvements and extensions to the City's stormwater drainage and flood management system; prescribing certain terms of the bonds; delegating, authorizing and directing the finance director to exercise his independent judgement and absolute discretion in determining certain other terms of the bonds; providing for the payment of the principal of and interest on the bonds by the levy of a tax on all of the taxable property within the city; authorizing and approving certain other related matters; and declaring an emergency, the second time.

STREET & ALLEY VACATION 16001 - VACATING A PORTION OF THE NORTH 50TH STREET PUBLIC RIGHT-OF-WAY BETWEEN THE SOUTH RIGHT-OF-WAY LINE OF ST. PAUL AVENUE AND THE NORTH RIGHT-OF-WAY LINE OF BALDWIN AVENUE. (RELATED ITEMS: 16-52, 16R-111) - CLERK read an ordinance, introduced by Jane Raybould, an ordinance vacating a portion of North 50th Street public right-of-way line of Baldwin Avenue, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

PRE-EXISTING SPECIAL PERMIT 23H - APPLICATION OF NEBRASKA WESLEYAN UNIVERSITY TO AMEND THE SPECIAL PERMIT TO INCLUDE A NEW 75,000 SQUARE FOOT SCIENCE BUILDING, INCLUDING A WAIVER OF THE 35-FOOT MAXIMUM HEIGHT RESTRICTION, INCLUDE ASSOCIATED PARKING, AND EXPAND THE SPECIAL PERMIT BOUNDARY TO ACCOMMODATE ADDITIONAL OFF-STREET PARKING FOR NEBRASKA WESLEYAN UNIVERSITY ON PROPERTY GENERALLY LOCATED AT NORTH 50TH STREET AND HUNTINGTON AVENUE. (RELATED ITEMS: 16-52, 16R-111)

CHANGE OF ZONE 16010 - APPLICATION OF LANCASTER COUNTY BOARD OF COMMISSIONERS FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 2201 SOUTH 17TH STREET. (RELATED ITEMS 16-53, 16R-110) - CLERK read an ordinance, introduced by Jane Raybould, an ordinance amending the Zoning District Maps adopted by reference and made a part of the Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

APPROVING A DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN, NEBRASKA AND THE COUNTY OF LANCASTER, NEBRASKA TO RESTRICT USE OF THE PROPERTY UNDER THE PROPOSED CHANGE OF ZONE NO. 16010 ON PROPERTY GENERALLY LOCATED AT 2201 SOUTH 17TH STREET. (RELATED ITEMS 16-53, 16R-110)

CHANGE OF ZONE 16015 - APPLICATION OF CAPITOL GROUP, INC. FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT 1404 SUPERIOR STREET - CLERK read an ordinance, introduced by Jane Raybould, an ordinance amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, Pursuant to Section 27.050.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND SILVER PROPERTIES, LLC FOR A LEASE OF SPACE FOR A ONE-YEAR TERM FOR USE BY THE LINCOLN POLICE DEPARTMENT - CLERK read an ordinance, introduced by Jane Raybould, an ordinance accepting and approving a Lease Agreement between Silver Properties, LLC and the City of Lincoln for a lease of space for a term of November 1, 2016 through October 31, 2017, for a use by the Lincoln Police Department, the second time.

ORDINANCES - 3rd READING & RELATED RESOLUTIONS

APPROVING THE ESTABLISHMENT OF THE WEST "O" STREET MAINTENANCE BUSINESS IMPROVEMENT DISTRICT WITHIN THE EXTERIOR BOUNDARIES OF AN AREA GENERALLY ALONG WEST "O" STREET FROM 3RD STREET ON THE EAST TO HOMESTEAD EXPRESSWAY

ON THE WEST AND INCLUDING THE PROPERTY ABUTTING THE NORTH AND SOUTH SIDES OF SAID WEST "O" STREET RIGHT-OF-WA. (5/23/16 - PUBLIC HEARING CONT'D W/3RD READING TO 6/6/16) - PRIOR to reading:

ESKRIDGE Moved to Amend Bill No. 16-50 as follows: Substitute the District boundary map attached hereto marked as EXHIBIT B for the existing map attached to Bill No. 16-50 as EXHIBIT B.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None

CLERK Read and ordinance, introduced by Cyndi Lamm, an ordinance amending Section 1 of Ordinance No. 20312 including a portion of the vacated CRI&P right-of-way to revise the legal description of the annexation to conform to the Corporate Limits Map attached to and made part of Ordinance No. 18208, the third time.

LAMM Moved to pass the ordinance as amended.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

This ordinance, being numbered #20334, is recorded in Ordinance Book #31.

AMENDING SECTION 1 OF ORDINANCE NO. 20312 APPROVING PRAIRIE VILLAGE NORTH ANNEXATION NO. 16002 TO CORRECT THE LEGAL DESCRIPTION TO BE CONSISTENT WITH THE CORPORATE LIMITS MAP AMENDMENT SHOWN ON ATTACHMENT A ATTACHED TO ORDINANCE NO. 20312 - CLERK read and ordinance, introduced by Cyndi Lamm, an ordinance creating a business improvement district under the authority of the Business Improvement District Act (Neb. Rev. Stat. § 16-4015 et seq.) and based upon the recommendations received from the duly appointed West "O" Street Business Improvement Board to be known as the West "O" Street Maintenance Business Improvement District for the purpose of providing for the maintenance, repair, and reconstruction of certain public facilities and improvements within the area generally abutting the north and south sides of West O Street from 3rd Street on the east and the Homestead Expressway on the west; providing for special assessments to be imposed within the district based upon the benefits conferred; and providing maximum limits upon such assessments, the third time.

LAMM Moved to pass the ordinance as read.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

This ordinance, being numbered #20335, is recorded in Ordinance Book #31.

RESOLUTIONS - 1ST READING

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND ACUIITY SPECIAL PRODUCTS DBA ZEP, INC. FOR COMPREHENSIVE OPERATIONAL & JANITORIAL SUPPLIES SOLUTIONS, REGION 14 ESC MASTER AGREEMENT AVAILABLE THROUGH NCPA ADMINISTRATIVE AGREEMENT, CONTACT NO. 02-28, FOR A TERM BEGINNING UPON EXECUTION THROUGH APRIL 30, 2019. (*CONSENT*)

APPROVING A MULTI-YEAR CONTRACT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND CONSULTANTS IN INFECTIOUS DISEASE, LLC TO PROVIDE MEDICAL CONSULTATION SERVICES TO THE HEALTH DEPARTMENT FOR A TERM OF JULY 1, 2016 THROUGH JUNE 30, 2019.

APPROVING THE REAPPOINTMENT OF JEFFERY R. KIRKPATRICK AS THE CITY ATTORNEY FOR A TWO-YEAR TERM EFFECTIVE JUNE 15, 2016.

APPROVING THE APPOINTMENT OF MIKI ESPOSITO AS DIRECTOR OF THE PUBLIC WORKS AND UTILITIES DEPARTMENT EFFECTIVE MAY 16, 2016.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 16-31, 2016.

COMP. PLAN CONFORMANCE 16003 - APPROVING THE PROPOSED UNIVERSITY PLACE SOUTH REDEVELOPMENT PLAN ON APPROXIMATELY 37 ACRES, ON PROPERTY GENERALLY BOUNDED BY NORTH 48TH STREET AND NORTH 49TH STREET, FROM HOLDREGE STREET TO FRANCIS STREET, INCLUDING ALL OF THE UNIVERSITY PLACE COMMUNITY ORGANIZATION (UPCO) PARK.

REGULAR MEETING
JUNE 6, 2016
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APPROVING A MULTI-YEAR CONTRACT BETWEEN BRYAN COLLEGE OF HEALTH SCIENCES, SCHOOL OF NURSING, AND THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT TO ALLOW NURSING STUDENTS TO UTILIZE SERVICE PROGRAMS AT THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT TO FULFILL REQUIREMENTS OF THEIR COMMUNITY HEALTH NURSING COURSE FOR THEIR BACHELOR’S DEGREES IN NURSING. *(CONSENT)*

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED)

COMP. PLAN AMENDMENT 15004 - AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE PLAN DESIGNATION FROM COMMERCIAL, GREEN SPACE, AND ENVIRONMENTAL RESOURCES TO RESIDENTIAL-URBAN DENSITY, GREEN SPACE, AND ENVIRONMENTAL RESOURCES, ON PROPERTY GENERALLY LOCATED AT SOUTHWEST 30TH STREET AND WEST A STREET. (RELATED ITEMS: (RELATED ITEMS: 16R-121, 16R-113, 16-57, 16-58)

APPROVING A CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN ANDERSON HOMES, INC. AND THE CITY OF LINCOLN FOR THE DEVELOPMENT AND ANNEXATION OF PROPERTY GENERALLY LOCATED AT SOUTHWEST 30TH STREET AND WEST A STREET. (RELATED ITEMS: 16R-121, 16R-113, 16-57, 16-58)

ANNEXATION 15014 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 41.84 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTHWEST 30TH STREET AND WEST A STREET. (RELATED ITEMS: 16R-121, 16R-113, 16-57, 16-58) - CLERK read and ordinance, introuduced by Jon Camp, an ordinance annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Llimits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

CHANGE OF ZONE 15036 - APPLICATION OF ANDERSON HOMES, INC. FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT AND AG AGRICULTURAL DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTHWEST 30TH STREET AND WEST A STREET. (RELATED ITEMS: 16R-121, 16R-113, 16-57, 16-58) - CLERK read and ordinance, introuduced by Jon Camp, an ordinance amending the Lincoln Zoning District Maps adopted by reference and made a part ot Title 27 of the Lincoln Municipal Code, pursuant to SSection 27.050.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

ADJOURNMENT

5:42 P.M.

CAMP Moved to adjourn the City Council Meeting of June 6, 2016.
 Seconded by Fellers & carried by the following vote; AYES: Camp, Christensen, Eskridge,
Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

Teresa Meier, City Clerk

Mo net J. McCullen, Office Specialist